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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,009	08/31/2000	David L. Whitmore	P17951.P02	2942
7055	7590	03/29/2004		
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
			EXAMINER	
			CANGIALOSI, SALVATORE A	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 03/29/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,009

Applicant(s)

WHITMORE ET AL.

Examiner

Salvatore Cangialosi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-12,15-17,21 and 24-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-12,15-17,21 and 24-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4,8,10,11,14,15</u> | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this

Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 5-12, 15-17, 21, 24-39 are rejected under 35 U.S.C. § 103 as being unpatentable over Agre(5,978,679), Tayloe et al(5,826,188)(cited by applicants) or Fox et al or alternatively Fox et al in view of either Agre(5,978,679), Tayloe et al(5,826,188)(cited by applicants).

Regarding claim 27, each of Agre(See abstract, Figs. 2 and 3), Tayloe et al(See Figs. 3 and 7, Col. 2, lines 10-30) or Fox et al(See Fig. 2, Col. 3, lines 35-45, Col. 4, lines 1-10) disclose a means for employing an interface to connect between a plurality of different wireless networks substantially as claimed. The differences between the above and the claimed invention is the specific switching between networks. It would have been obvious to the person having

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ordinary skill in this art to provide a similar arrangement for any of Agre, Tayloe et al or Fox et al because roaming is a basic premise of facilitating inter-network transfer. Regarding claim 5, most wireless networks transmit location information in local format (Tayloe et al, claim 1 and Fig. 7), pilot signals (Agre, abstract) or push server test (Fox et al which are the functional equivalent of an operational signal for the wireless network. Regarding the selection limitations of claim 6, any of Agre, Tayloe et al or Fox et al show selection of one wireless network among many. Regarding the host application limitations of claim 7, any of Agre, Tayloe et al or Fox et al show at least an application for processing data. Regarding the route address limitations of claim 8, Fox et al (See Fig. 3) show the provision of a URL which is an address. Regarding routing limitations of claim 9, Fox et al (See Fig. 2 and col. 5, lines 25-40) show proxy server which transparently communicates with mobile units. Regarding address limitations of claims 10-12, Fox et al (See Figs. 2 and 3 and col. 5, lines 25-40) show proxy server which transparently communicates with mobile units via end point addresses. Regarding claim 24, Fox et al (See Figs. 2, 3 and 5 and col. 5, lines 25-40, Col. 8, Col. 9, lines 40-60, Col. 10, lines 10-20, claims 4, 5 and 28) disclose a means for employing an interface to connect between a plurality of different wireless networks including list based authentication by both sender and receiver substantially as claimed. The differences between the above and the claimed

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invention is the specific switching between networks. Any of Agre (See abstract, Figs. 2 and 3), Tayloe et al (See Figs. 3 and 7, Col. 2, lines 10-30) show switching between different networks. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Fox et al because the same is contemplated within the primary item of evidence. Regarding address updating limitations of claim 15, Fox et al (See Figs. 2 and 3 and col. 9, lines 55-60) show list changing or updating. Regarding reception limitations of claim 16, Fox et al (See Figs. 2 and 3 and col. 9, lines 55-60) show the internet addresses which are the functional equivalent of the claim. Regarding table limitations of claims 17 and 21, Fox et al (See Figs. 2 and 3 and col. 9, lines 40-60) show a list or database lookup which are the functional equivalents of the claim. Regarding claim 25, Fox et al (See Figs. 2, 3 and 5 and col. 5, lines 25-40, Col. 8, Col. 9, lines 40-60, Col. 10, lines 10-20, claims 4, 5 and 28) disclose a means for employing an interface to connect between a plurality of different wireless networks including list based authentication by both sender and receiver, which list can be changed or updated (col. 9, lines 55-60) substantially as claimed. The differences between the above and the claimed invention is the specific switching between networks. Any of Agre (See abstract, Figs. 2 and 3), Tayloe et al (See Figs. 3 and 7, Col. 2, lines 10-30) show switching between different networks. It would have been obvious to the person having ordinary skill in this art to

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provide a similar arrangement for Fox et al because the same is contemplated within the primary item of evidence. Regarding claim 26, Fox et al (See Figs. 2, 3 and 5 and col. 5, lines 25-40) disclose a means for employing an interface to connect between a plurality of different wireless networks substantially as claimed. The differences between the above and the claimed invention is the specific switching between networks. Any of Agre (See abstract, Figs. 2 and 3), Tayloe et al (See Figs. 3 and 7, Col. 2, lines 10-30) show switching between different networks. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Fox et al because the same is contemplated within the primary item of evidence. Regarding discard limitations of claim 28, Fox et al (See Figs. 2 and 3 and col. 9, lines 40-60) show packet forwarding control which can eliminate packet transmission if transmission is not permitted which is the functional equivalent of the claim. Regarding potential limitations of claim 29, Fox et al (See Figs. 2 and 3 and col. 9, lines 40-60) show end point address. It is not that can be is a statement of possibility not a requirement. Therefore anything is possible if sufficient resources are devoted thereto. Regarding gateway limitations of claim 30, Fox et al (See Figs. 2 and 3 and col. 9, lines 40-60) show a push server addressing which is the functional equivalent of a gateway address. Regarding address limitations of claims 10-12, Fox et al (See Figs. 2 and 3 and col. 5, lines 25-40) show proxy server which transparently communicates with mobile

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units via end point addresses. Regarding claim 31, Fox et al (See Figs. 2, 3 and 5 and col. 5, lines 25-40, Col. 8, Col. 9, lines 40-60, Col. 10, lines 10-20, claims 4, 5 and 28) disclose a means for employing an interface to connect between a plurality of different wireless networks including list based authentication by both sender and receiver and which can be a stored program (See Col. 3, lines 5-20) substantially as claimed. The differences between the above and the claimed invention is the specific switching between networks. Any of Agre (See abstract, Figs. 2 and 3), Tayloe et al (See Figs. 3 and 7, Col. 2, lines 10-30) show switching between different networks. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Fox et al because the same is contemplated within the primary item of evidence. Regarding address updating limitations of claim 32, Fox et al (See Figs. 2 and 3 and col. 9, lines 55-60) show list changing, adding or updating. Regarding address limitations of claims 33-34, Fox et al (See Figs. 2 and 3 and col. 5, lines 25-40) show proxy server which transparently communicates with mobile units via end point addresses. Regarding discard limitations of claim 35, Fox et al (See Figs. 2 and 3 and col. 9, lines 40-60) show packet forwarding control which can eliminate packet transmission if transmission is not permitted which is the functional equivalent of the claim. Regarding claim 36, Fox et al (See Figs. 2, 3 and 5 and col. 5, lines 25-40, Col. 8, Col. 9, lines 40-60, Col. 10, lines 10-20,

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claims 4,5 and 28) disclose a means for employing an interface to connect between a plurality of different wireless networks including changing, adding or updating(col. 9, lines 55-60) and which can be a stored program(See Col. 3, lines 5-20) substantially as claimed. The differences between the above and the claimed invention is the specific switching between networks. Any of Agre (See abstract, Figs. 2 and 3), Tayloe et al(See Figs. 3 and 7, Col. 2, lines 10-30) show switching between different networks. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Fox et al because the same is contemplated within the primary item of evidence. Regarding potential limitations of claim 37, Fox et al (See Figs. 2 and 3 and col. 9, lines 40-60) show end point address. It is not that can be is a statement of possibility not a requirement. Therefore anything is possible if sufficient resources are devoted thereto. Regarding gateway limitations of claim 38, Fox et al (See Figs. 2 and 3 and col. 9, lines 40-60) show a push server addressing which is the functional equivalent of a gateway address. Regarding claim 39, Fox et al(See Figs. 2, 3 and 5 and col. 5, lines 25-40) disclose a means for employing an interface to connect between a plurality of different wireless networks and which can be a stored program(See Col. 3, lines 5-20) substantially as claimed. The differences between the above and the claimed invention is the specific switching between networks. Any of Agre (See abstract, Figs. 2 and 3), Tayloe et

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al(See Figs. 3 and 7, Col. 2, lines 10-30) show switching between different networks. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Fox et al because the same is contemplated within the primary item of evidence.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms, can be reached at (703) 305-4703.

Any response to this action should be mailed to:


Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to (703)872-9306

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Virginia, Sixth Floor(Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222